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Paper No. 9

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OFFICE OF PETITIONS

In re Application of :
O'Rourke, Dean, Wang, Van Antwerp, : DECISION NOTING JOINDER OF
Roth, and Knowlton : INVENTOR AND PETITION UNDER
Application No. 09/893,373 : 37 CFR 1.47(a) MOOT
Filed: 26 June, 2001 :
Attorney Docket No. MS1-575US :

Papers filed on 26 June, 2002, in response to the Decision Refusing Status Under 37 CFR 1.47(a) mailed on 26 March, 2002, included a Declaration signed by the previously non-signing inventor, Chih-Kan Wang, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

It is noted that the declaration filed on 26 June, 2001, and with the present request for reconsideration, is defective in that it does not state that the person(s) making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person(s) to be material to patentability as defined in 37 CFR 1.56. Rather, the declaration incorrectly acknowledges a duty to disclose all information material to examination of the application. A new oath or declaration in compliance with 37 CFR 1.63 and 1.67 must be submitted when required by the examiner.

The application is being forwarded to Technology Center 2100 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.

A handwritten signature in cursive script, appearing to read "D. I. Wood".

Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy